

### REMARKS

This responds to the Office Action mailed on November 24, 2004.

Claims 1-5, 10, 13-16, and 27 are amended, and claims 30-33 are added; as a result, claims 1-33 are now pending in this application.

#### §112 Rejection of the Claims

Claims 2, 3 and 13-16 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The rejections have been addressed by amendment of the affected claims. Withdrawal of the rejections is respectfully requested.

#### §102 Rejection of the Claims

Claims 1, 8-10 and 17 were rejected under 35 USC § 102(b) as being anticipated by Altoz (U.S. 4,915,167). Applicant respectfully traverses this rejection and requests the Office to consider the following.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), M.P.E.P. §2131, 8<sup>th</sup> Ed., Rev. 1).

The independent claims have been amended to overcome the anticipation rejections. None of the cited references teach a channel through the container barrier. Withdrawal of the rejections is respectfully requested.

Claims 1, 2, 6-13, 17 and 18 were rejected under 35 USC § 102(a) as being anticipated by Shermer, IV, et al. (U.S. 6,429,513).

The independent claims have been amended to overcome the anticipation rejections. None of the cited references teach a channel through the container barrier. Withdrawal of the rejections is respectfully requested.

§103 Rejection of the Claims

Claims 3 and 14-16 were rejected under 35 USC § 103(a) as being unpatentable over Shermer, IV, et al. and further in view of Tao (U.S. 6,410,981). Applicant respectfully traverses the rejections and requests the Office to consider the following.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (M.P.E.P. § 2143 8<sup>th</sup> Ed, Rev.1).

Because of amendment of the independent claims, the cited references do not teach all the claims limitations. Withdrawal of the rejections is respectfully requested.

Claims 4 and 5 were also rejected under 35 USC § 103(a) as being unpatentable over Shermer, IV, et al. and further in view of Tao and Studebaker (U.S. 6,448,637). Applicant respectfully traverses the rejections and requests the Office to consider the following.

Because of amendment of the independent claims, the cited references do not teach all the claims limitations. Withdrawal of the rejections is respectfully requested.

Claims 27-29 were also rejected under 35 USC § 103(a) as being unpatentable over DiGiacomo et al. (U.S. 6,085,831) in view of Homer et al. (U.S. 2002/0154483). Applicant respectfully traverses the rejections and requests the Office to consider the following.

Because of amendment of the independent claims, the cited references do not teach all the claims limitations. Withdrawal of the rejections is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, John Greaves at (810) 278-9171, or Applicant's below-named representative to facilitate the prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date

Feb. 15, 2005

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of February 2005.

Dennis J. Kumpf

Name

[Signature]

Signature